



United States Department of Agriculture
Forest Service

East Branch Tionesta Creek Project

Draft Decision Notice and Finding of No Significant Impact

Marienville Ranger District, Allegheny National Forest, Elk and McKean Counties, Pennsylvania

August 2020



Red maple tree covered in thick layer of moss in the project area, photo taken by Ralph Swanson, Resource Administrator

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Introduction

This draft decision notice describes my rationale for selecting vegetation management activities in the East Branch Tionesta Creek project area. The East Branch Tionesta Creek project would implement the Allegheny National Forest Land and Resource Management Plan (or Forest Plan) and includes proposed management activities that are designed to contribute to achieving the desired condition outlined in the Forest Plan. This draft decision notice incorporates by reference the East Branch Tionesta Creek Environmental Assessment.

Project Area

The East Branch Tionesta Creek project area lies west of Kane, Pennsylvania in Hamilton and Wetmore Townships, McKean County, and Highland and Jones Townships, Elk County, Pennsylvania. The project area encompasses approximately 24,269 acres and lies within the East Branch Tionesta Creek and South Branch Tionesta Creek watersheds. The project area includes approximately 1,045 acres in Management Area 2.1 (Uneven-aged Management), 2,142 acres in Management Area 2.2 (Late Structural Linkages), and 12,608 in Management Area 3.0 (Even-aged Management), and 8,474 acres of private land.

Objection Process

Regulations (36 CFR 218) require that a draft decision notice be prepared for review as part of the pre-decisional, administrative review process required for environmental assessments with an objection process as outlined in 36 CFR 218 (Federal Register, Volume 73, No. 59, pages 18481 to 18504). One primary tenet of the objection process is that eligible parties can seek resolution of their unresolved concerns based on the actions outlined in this draft decision notice, through filing an objection, prior to a final decision being made. A legal notice must be published to announce the release of this draft decision notice, which initiates a 45-day objection period. Individuals who submitted a specific written comment regarding the proposed project during any designated opportunity for public comment are eligible to file an objection for this project. Instructions for filing an objection are outlined on page 10 of this document and in the legal notice published in *The Kane Republican* (Kane, Pennsylvania).

Purpose and Need

The purpose of this project is to help achieve the desired condition described in the Forest Plan for Management Areas 2.1, 2.2, and 3.0 by responding to Forest Plan, Management Areas 2.1, 2.2, and 3.0 goals and objectives.

Vegetation Management for Early Structural Habitat

We are falling short of our objective to provide diverse wildlife habitat on the Allegheny National Forest. We would like to maintain early structural habitat¹ on 8 percent of the forest, with that number increasing to 10 percent by 2060.² As of January 2020, we only have an estimated 3.1 percent of early structural habitat across the entire forest. It may be possible to achieve this objective in the short-term by implementing all our recently approved and proposed

¹ Early structural habitat is defined as “Seedling and sapling communities or forested stands normally less than 20 years old where the dominant canopy layer is less than 5 inches in diameter(dbh). Savannas or open areas with encroaching woody vegetation where tree cover or canopy closure is less than 40 percent are also considered to be early structural habitat.”

² Provide a diversity of age and structural classes across the Allegheny National Forest landscape, including early structural, late structural and multi-age forested conditions, to achieve desired future conditions (USDA-FS 2007a, page 19).

vegetation management activities. However, it can take more than a decade to fully implement a decision, and trees are continuously growing out of the early structural habitat age class. As a result, we need to approve new activities to help overcome our current deficit and compensate for trees that will age into mid-structural habitat over time. If we don't, the forest will continue to grow older and wildlife habitat diversity will decline.

Vegetation Management for Forest Health

The number of healthy seed trees is declining due to a combination of forest health challenges. Forty-four (44) percent relative density is the minimum relative density of overstory tree stocking that is considered to be fully occupying available growing space of a site. Stocking levels in many stands within the project area are on a negative trend, which will make it increasingly difficult to maintain and regenerate stands comprised of desirable species. If we don't act now to sustain healthy and well stocked stands while adequate seed trees remain, the forest will become increasingly difficult to regenerate and vulnerable to damage from windthrow, storms, and other injury to tree crowns.

Forest health challenges within the project area include, but are not limited to, the following:

- **Beech bark disease** results in the death of mature American beech stems. A dense thicket of beech sprouts, or beech brush, is produced from the root stocks of the original tree. This prevents the establishment of other tree seedlings and creates a virtual monoculture that lacks the benefits of natural forest biodiversity and is still susceptible to beech bark disease.
- **Emerald ash borer** has already killed most of the ash trees within the project area.
- **Hemlock woolly adelgid** is expected to cause high mortality levels to eastern hemlock in the coming decade.
- **Black cherry crown health** has been declining in many areas for reasons that are not entirely clear.³ The percentage of standing dead black cherry on selected plots increased to 22 percent in recent years,⁴ and in some areas may exceed 30 percent.⁵ Cherry scallop shell moth is a defoliator of black cherry, and we have experienced five years of an outbreak. It causes substantial damage to black cherry trees and often mortality, especially when combined with other stressors. Diminishing black cherry health has also led to poor seed crops, low seed viability, and poor seedling survival rate.
- **Interference from non-native invasive plant species** is also a threat to forest health and native plant communities.

Reforestation to Support Desirable Tree Species

We rely on natural seedling development to regenerate stands to desirable tree species. These desirable seedlings are outcompeted by interfering vegetation due to decades of selective deer browsing. They will not develop in sufficient quantities to create a new stand of trees unless we take action to reduce interfering understory vegetation. Deferring action would likely increase the difficulty of successfully restocking these stands with diverse tree seedlings that would help

³ We think it is linked to several factors including insect defoliations, other canopy disturbances such as wind events, changing soil nutrient status, and potentially changing climate and weather patterns.

⁴ Long and others, personal communication 2015 unpublished; Pennsylvania Bureau of Forestry 2015 unpublished.

⁵ Pennsylvania Bureau of Forestry 2015 unpublished.

ensure a more resilient forest in the future.

Improving Wildlife Habitat

Non-native insects and disease, natural disturbances, and deer browsing are causing changes to the diversity of native trees and shrubs. We are particularly concerned with the potential loss of conifer cover due to the decline of eastern hemlock. Management action is needed to provide new conifer cover should hemlock decline in the future and to enhance wildlife habitat throughout the project area.

Increasing Native Plant Species

Non-native invasive plant species are becoming established in the project area. These non-native invasive plant species are crowding out native plants and affecting wildlife habitat. Action is needed to reduce and limit the spread of non-native plant species, with the hope of maintaining and re-establishing native plants. If we don't take action, non-native plant infestations will continue to persist and spread.

Improving Stream Habitat

Many streams in the project area lack habitat diversity:

- Pools and slow water habitat are present, but lack cover and pools are generally shallow.
- Streams lack enough large wood to create quality pools, slow flood flows, or store sediment and organic debris.
- Many streams lacking adequate vegetation to provide shade and supply of large wood in the future.

Also, where Forest System roads must cross streams or are located within 300 feet of streams or wetlands, sediment may be introduced into streams and there may be barriers to the passage of aquatic organisms, thus reducing aquatic habitat quality and connectivity.

Combined, these factors impair both aquatic habitat and recreational experiences for anglers.

Improving Soil Conditions and Water Quality

Dispersed campsites are often located near water and usually along open forest roads. These sites are frequently occupied from the beginning of trout season in the spring through hunting season in late fall. This continual use can result in loss of vegetation, compaction of soil, loss of woody debris from collecting firewood, and littering. There is a need to improve some dispersed campsites to mitigate the impacts to soils and water quality and to create a more sustainable dispersed camping experience.

Approximately 1.4 miles of roads in the area are no longer needed. Decommissioning these roads would reduce potential soil erosion and restore aquatic and terrestrial habitat.

Acid rain occurs in the project area and negatively affects the water quality of streams that lack buffering capacity.

Transportation Management

Many treatment units within the project area are not accessible from National Forest System roads or are only accessible from roads that need maintenance to support timber hauling.

Some Forest System roads are in historic locations that failed to consider unstable soils or impacts to water quality or relied on frozen conditions for access that can no longer be relied on

today. In some case, we have identified the need to decommission roads that are no longer needed. In other cases, we have identified the need to realign roads to locations with more stable soils, less impact to water quality or unique habitat, or lower long-term maintenance costs. Often, a new location results in all three outcomes.

Another factor that increases maintenance costs and resource impact is the illegal use by ATVs and off-highway vehicles by the public on Forest System roads. This illegal use has even greater resource impact when it occurs across the general landscape, but the impact on Forest System roads has a direct correlation to the increased cost of road maintenance, particularly on roads closed to the public. There is another added cost to road maintenance when closed roads are opened for hunter access during the fall and early winter. This cost is often offset by the benefit to forest regeneration from increased hunting pressure on deer.

Where Forest System roads must cross streams or are located within 300 feet of streams or wetlands, we propose road maintenance that reduces impacts to water quality. This includes replacing in-stream culverts that are constricting flow or restricting aquatic organism passage with structures that provide for non-constricted bank full water flow and utilize or mimic the stream bed to allow aquatic organism passage. These are typically open-bottom culverts or embedded arch culverts.

Draft Decision

After reviewing the environmental analysis, supporting documents and public response, I am proposing to implement the proposed action alternative as described on pages 4–6 of the environmental assessment, as well as maps 1–8 and appendix A of the environmental assessment, with no modifications or changes.

My decision and findings are based on my expertise and knowledge of the area, as well as that of the interdisciplinary team that developed and analyzed the project, the East Branch Tionesta Creek Environmental Assessment, including the project biological assessment and evaluation, the East Branch Tionesta Creek project record, and the Forest Plan. My decision and findings are also based on the thoughtful and helpful public input provided during the scoping period and the official comment period.

My proposed decision includes timber harvest on 3,287 acres using even-aged management and uneven-aged management. The proposed timber harvest practices were briefly described in the East Branch Tionesta Creek scoping documents and in appendix A of the environmental assessment and described in detail in the Forest Plan (USDA-FS 2007a, Appendix A, pages A-18 to A-29). Uneven-aged management would be applied on 311 acres, and even-aged management would be applied on 2,976 acres. Within the total area proposed for timber harvest, reforestation activities would be applied on 3,432 acres. The number of acres prescribed for specific reforestation activities are provided summarized in table 1 and in appendix A of the environmental assessment. Please note that multiple treatments and activities could occur within the same stand.

Non-native invasive plant treatments would be applied on up to 340 acres through a combination of manual, mechanical, and chemical (herbicide) treatments. Herbicide treatment includes the use of formulations of glyphosate, sulfometuron methyl, or both according to Forest Plan standards and guidelines (USDA-FS 2007a, pages 54-59). A combination of treatments may occur several times during a growing season and over a period of several years. Additional non-native plant species treatments approved in the Marienville Buckthorn Treatment decision will

also be implemented within the East Branch Tionesta Creek project area.

A variety of activities would occur to restore, maintain, and enhance wildlife and aquatic habitat (see appendix A of the environmental assessment [pages A-10 to A-12]). Aquatic habitat treatments would include approximately 46.2 miles of large wood introductions. Proposed recreation improvements would also improve soil conditions and water quality.

Approximately 3.7 miles of road (0.9 miles using new corridors and 2.8 miles using existing corridors) would be constructed to provide access for management. Approximately 1.3 miles of road would be realigned to provide access for management. Approximately 48 miles of road would be maintained for hauling timber. High quality road surfacing would be applied to approximately 19.6 miles of road with 300 feet of streams. Approximately 1.4 miles of Forest Service system and non-system roads would be decommissioned. Road management changes would include approximately 0.3 miles of road (see table 1 of the environmental assessment) and involve the installation of 4 new gates.

In some areas, the new regeneration harvests for the proposed action, when combined with past and other previously approved regeneration harvests, would create 16 temporary openings that may exceed 40 acres, ranging in size from 46 to 767 acres. As explained in the environmental assessment and noted above, I am concerned that viable seed trees are declining in these stands to the point that it will become very difficult over time to successfully regenerate the forest stands with a diversity of tree species. While the Forest Service strives to limit temporary openings to 40 acres or less on the Allegheny National Forest, larger openings are needed to regenerate these areas before these opportunities are lost. Specifically, these larger openings will occur where stand data shows a rapidly declining overstory resulting in reduced opportunity for natural regeneration.

We need to take advantage of the reproductive capability of stands that currently have some remaining species diversity. Otherwise, we run the risk of losing these stands to non-native invasive plant species or short-lived species such as diseased American beech coppice growth or black birch. The native beech and birch have a place in a diverse stand, but they will choke out species diversity if they are the only seedlings to take hold.

I have scrutinized our proposed large temporary openings, and I am confident they will afford us the flexibility we need to regenerate healthy new stands. Some of these proposed openings would exceed 40 acres based on treatments prescribed here, while others would exceed 40 acres only when considered in conjunction with treatments previously approved or already implemented in adjacent areas. In the case of the latter, the duration of the larger opening would diminish as the adjacent stands grow out of the sapling stage.

I believe we utilized well the public input provided during the scoping period, incorporating some of the suggestions into our proposal and analysis, and providing detailed response where needed in Appendix D of the Environmental Assessment.

Comments received during the 30-day comment period on the environmental assessment have been incorporated into our project design criteria and are addressed on pages 9 and 19-20 of this draft decision notice and finding of no significant impact. I appreciate the specificity of these comments and the considered suggestions for addressing the concerns that were raised.

Reasons for the decision

The purpose and need for the project include six components around which the proposed action

was developed. All these components are interconnected by need to maintain habitat diversity and a resilient, healthy forest within the project area and on the Allegheny National Forest as a whole. The interaction of age classes, structural classes, and plant species contributes to maintenance of this habitat diversity and a resilient forest. Based on my review of the proposed action, the affected environment and guidance contained in the Forest Plan, I have made the following determinations:

- The proposed action contributes to achieving specific objectives for management areas as described in the Forest Plan.
- The proposed action is consistent with strategies described in the Forest Plan, which are relevant and specific to the affected resources and resource concerns.
- The proposed action is consistent with the rationale for choice of vegetation management practices (described in terms of appropriateness and optimality) as defined in Appendix A of the Forest Plan.
- The proposed action incorporates all relevant design criteria that are consistent with standards and guidelines from the Forest Plan.
- The proposed action is similar to other multiple-use management projects on the Marienville Ranger District, based on the size of the project area, size of individual treatment areas, scope of activities, duration of implementation, and prescribed methods.

Conclusions and recommendations in FY2008-FY2013 Monitoring Report (USDA-FS 2014) for Allegheny National Forest further support the proposed decision for the project. Specifically:

- The 2007 Forest Plan projected that early structural habitat stages resulting from timber harvest would comprise 8–10 percent of the forested landscape (USDA-FS 2007a, pages 11 and 19). However, from 2007 to 2014, early structural habitat has declined from approximately 8 percent of the forested landscape to 3.1 percent (raw data).
- Even-aged and uneven-aged regeneration harvests have been lower than Forest Plan objectives. Because of this, landscape-level desired vegetative structural stages and age classes will not be sustained at levels sufficient to meet desired Forest Plan ecosystem conditions (USDA-FS 2014, page 121).
- A combination of manual/mechanical treatments and herbicide use has been effective in eliminating targeted species in treatment areas (USDA-FS 2014, page 173).

This project is necessary to maintain the current percentage of early structural habitat or move it closer to the projected level.

I carefully considered limiting opening sizes to the smallest area that would create conditions for regeneration of desirable, diverse hardwood species to improve the overall health of declining stands. However, declining forest health and diminishing opportunities to regenerate affected stands make it necessary to apply the full range of tools provided by sound silvicultural science to assure successful reforestation of these stands. Larger temporary openings tend to disperse the impacts of deer browse, allow for more cost-efficient reforestation techniques, potentially reduce the use of other regeneration tools such as fencing and herbicide, and have proven effective in regenerating stands in similar conditions. As noted above, these openings would result from a combination of harvests accomplished in this decision with the temporary openings already

established by the overstory removals approved in the original decision. Within 20 years of any harvest, the new woody vegetation will have grown enough to move stands into a mid-successional stage, dividing these large temporary openings into smaller and smaller units. Regeneration will be established in a stand before the overstory is removed, and in previously harvested adjacent units, the regeneration is already well on its way to growing into a new forested stand. My proposal to establish these large temporary openings was presented to and is being reviewed by the Regional Forester.

Scenic integrity may be temporarily impacted, but this will pale next to the longer-term trajectory of a forest cover diminished by mortality, non-native invasive plants, insects and disease. And the use of the herbicide glyphosate, when applied as defined by the risk assessment for the 2007 Forest Plan, has proven invaluable in regenerating woody species and effectively contending with non-native invasive plants.

It has been implied that we miss the true value of the forest because of a desire to harvest valuable trees. Such an argument fails to note that it is the mission of the Forest Service to “sustain the health, diversity and productivity of the Nation’s forests ... to meet the needs of current and future generations.” The Allegheny National Forest is at a critical point where all the gains in species diversity over the past 30 years may be lost as one species after another is diminished by its own special non-native invader. But it is the very resilience that effective management of the past 30 years has established on the Allegheny National Forest that affords us the opportunity now to regenerate healthy young forests with a greater chance of resisting the ravages of non-native invasive species.

Considering all these factors, I am confident that the proposed action is well-grounded in the Forest Plan as a guiding document, current and consistent with recommendations from the FY2008-FY2013 Monitoring Report, and all elements of the proposed action are responsive to the purpose and need for action.

Environmental Consequences

I have carefully reviewed the analysis framework and environmental consequences for each affected resource, and I considered the potential effects in the context of the intensity factors the effects analyses (Environmental Assessment, pages 9–24). Because the proposed action is similar to other multiple-use management projects on the Marienville Ranger District, I am confident that resource specialists on the interdisciplinary team are familiar with potential effects. No evidence was revealed in any of the comments submitted during the designated 30-day comment period for the environmental analysis, nor is any evidence in the project record that indicates any substantial uncertainty or unknown risks regarding effects of the proposed action. The effects of the various elements of the proposed action have been studied (from past projects) for over two decades. Monitoring information concerning effects and mitigation efficacy was a key part of the analysis for this proposal. The interdisciplinary team considered the best available scientific information as well as opposing viewpoints to complete all components of the environmental analysis and support a finding of no significant impact.

Other Alternatives Considered

No other action alternatives were proposed by the interdisciplinary team or the responsible official based on potential resource conflicts, and none were generated by unresolved resource conflicts revealed after thorough review of public scoping comments. Two other alternatives were considered, but not fully analyzed. The rationales for why these alternatives were not considered in detail are disclosed on pages 7-8 of the environmental assessment. Because of this,

only the proposed action and no action alternatives were fully analyzed. I have determined this range of alternatives is adequate and follows Forest Service environmental analysis regulations at 36 CFR 220.7 for consideration of alternatives.

No Action Alternative

The no action provides a baseline for comparison of potential effects from the proposed action. In the no action, the activities described in the proposed action would not take place. Previously approved vegetation management activities would occur, as described in the environmental assessment (table 2, page 7). Existing road uses and recreational activities would also continue. The no action alternative was not selected because it would not meet the purpose and need for the project.

Tribal Consultation

The Forest Service is consulting with the Pennsylvania Historical and Museum Commission, the State Historic Preservation Office, and the following tribes: Absentee-Shawnee Tribe of Oklahoma, Cayuga Nation, Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Oneida Indian Nation, Oneida Nation of Wisconsin, Onondaga Nation, Seneca Nation of Indians, Seneca-Cayuga Tribe of Oklahoma, St. Regis Mohawk Tribe, Shawnee Tribe, Stockbridge-Munsee Band of Mohican Indians, Tonawanda Band of Seneca, and Tuscarora Nation, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. All proposed management activities in this project will be reviewed by these agencies for potential effects to cultural resources.

Public Involvement

The East Branch Tionesta Creek project was first listed in the Allegheny National Forest Schedule of Proposed Actions in the January 2020 issue. On November 26, 2019, a scoping package was mailed to interested individuals and organizations, including adjacent landowners and subsurface mineral owners, and posted on the Allegheny National Forest website on November 26, 2019. The public scoping period for the project ended on December 27, 2019. Comments were received from eight individuals and organizations. These comments were analyzed by the interdisciplinary team, and the comments and responses are included in the environmental assessment (appendix E—Scoping Comments Summary).

None of the scoping comments provided any new site-specific information, either in the form of focused, applicable peer-reviewed studies conducted at the local or regional level, or in the form of site or resource conditions not previously identified by the interdisciplinary team. Because of this, no alternatives to the proposed action were formulated to address the purpose and need for the project or advanced for full analysis in the environmental assessment presented for 30-day comment.

The environmental assessment was made available to the public for review during a designated 30-day comment period, which began on July 2, 2020 when a legal notice was published in *The Kane Republican* (newspaper of record). Four individuals submitted comments during the 30-day comment period on the environmental assessment. Comments were analyzed by the interdisciplinary team, and the comments and responses are included in this document starting on page 17.

I have reviewed comments received as a result of public scoping, those received during the 30-day comment period for the environmental assessment, and the responses to these comments

composed by resource specialists on the interdisciplinary team. I truly appreciate the time and effort taken by members of the public to share their thoughts and concerns regarding this action, and I recognize that my decision may not satisfy all concerns expressed in the comments. These comments often reflect disagreement with the goals, objectives and management direction contained in the Forest Plan. Because the purpose and need for the project is to achieve certain resource goals identified in the Forest Plan, these comments are beyond the scope of the project. Consistent with the record of decision for the Forest Plan (USDA-FS 2007a, page ROD-15), I believe that the proposed action balances sustainable resource use and ecological sustainability in a manner intended to satisfy competing public demands.

To address concerns about large wood activities impacts to the North Country National Scenic Trail raised by the ANF Chapter of the North Country Trail Association received during the 30-day comment period, the following project design features will be added to Appendix B – Project Design Features of the environmental assessment and implemented to protect the North Country National Scenic Trail (see Response to comments received during the designated 30-day comment period section on pages 19 and 20 below):

- No tree cutting or felling for the large wood activities will occur within 25 feet of the North Country National Scenic Trail.
- No marking paint will be used for the large wood activities near the North County National Scenic Trail.
- Large wood activities will cross the North Country National Scenic Trail at only one location using an excavator to complete large wood restoration. The trail crossing will be restored to prior or better condition upon completion of large wood activities.
- Large wood activities will not occur within 300 feet of the North Country National Scenic Trail on weekends/holidays.
- While the large wood activities are being implemented on-the-ground, signage will be used along the North Country National Scenic Trail to inform hikers of large wood activities.

Findings required by other laws and regulations

My decision implements vegetation management activities and connected actions intended to develop desired conditions in the Forest Plan. As required by the National Forest Management Act section 1604(i), I find this project to be consistent with the 2007 Allegheny National Forest Land and Resource Management Plan. This decision is also in full compliance with the laws and regulations cited below, with reference to relevant page numbers in the environmental assessment.

Archaeological Resources Protection Act – Environmental assessment, pages 23 and 24.

Clean Air Act – Environmental assessment, pages 18-19, 25.

Clean Water Act – Environmental assessment, pages 14–17, 20, 25, and 26.

Endangered Species Act – Project biological assessment and in the environmental assessment on pages 23–24.

Environmental Justice (Executive Order 12898) – Public involvement did not identify any adversely impacted local minority or low-income populations. My decision is not expected to adversely impact minority or low-income populations.

Federal Cave Resources Protection Act – No known cave resources would be affected by my decision.

Floodplains (Executive Order 11988) – Environmental assessment, pages 14–17, 20.

National Environmental Policy Act – This act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with the National Environmental Policy Act.

National Historic Preservation Act – Environmental assessment, pages 23 and 24.

Native American Graves Protection and Repatriation Act – No Native American grave sites are known nor were any identified as a result of public scoping or consultation with tribal representatives.

Regional Forester Sensitive Species (Forest Service Manual 2670) – project biological evaluations and summarized in the environmental assessment on pages 12–13.

Wetlands (Executive Order 11990) – Environmental assessment, pages 14–17, 20, 25, and 26.

Wild and Scenic Rivers Act – The project area does not include or affect any designated Wild and Scenic River.

Administrative Review and Objections Process

The proposed decision is subject to an objection review process pursuant to 36 CFR 218, subparts A and B. These regulations are available at: <http://www.gpo.gov/fdsys/pkg/FR-2013-03-27/pdf/2013-06857.pdf>. Objections will only be accepted from those who submitted timely and specific written comments about this project during scoping or the 30-day public comment period in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after the designated comment opportunities.

A legal notice regarding the availability of this draft decision notice will be published in the newspaper of record, which is *The Kane Republican* for this project. A written objection, including any associated attachments must be submitted within 45 calendar days after publication of the legal notice in *The Kane Republican*. However, when the 45-day filing period would end on a Saturday, Sunday, or federal holiday, the filing time is extended to the end of the next federal working day. The date of the publication of this notice is the only means for calculating the date by which objections must be received; do not rely upon any other source for this information.

Objections, including attachments, must be filed by mail, fax, express delivery, messenger service, or email to: USDA-Forest Service, Eastern Region, Objection Reviewing Officer, 626 E. Wisconsin Avenue, Milwaukee, WI 53202; FAX to (414) 944-3963, Attn: Administrative Review Staff; email to: objections-eastern-region@usda.gov. Acceptable formats for electronic objections are text or html email, Adobe portable document format (pdf), and other formats viewable in Microsoft Office applications.

Final Decision

If no objections are filed within the 45-day time period for this draft decision, then a final decision may occur on, but not before, the 5th business day following the end of the objection filing period. If an objection is filed, a final decision will not be signed until all concerns and instructions (identified by the Reviewing Officer) have been addressed (36 CFR 218.12[b]).

For additional information concerning this decision, please refer to the Allegheny National Forest web site for the project at <https://www.fs.usda.gov/project/?project=57175>. You may also contact Kevin Treese, Planning Team Leader, at the Marienville Ranger Station, 131 Smokey Lane, Marienville, PA 16239 or by phone (814) 927-5759.

Finding of No Significant Impact

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the environmental assessment and documentation included in the project record, and I have determined that the proposed action will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance cited above.

Context

For the proposed action and the no action alternatives, the context of the environmental effects is based on the environmental analysis in the East Branch Tionesta Creek Environmental Assessment. The East Branch Tionesta Creek project was proposed to achieve long-term desired conditions identified in Allegheny National Forest Record of Decision for the Final Environmental Impact Statement and the Forest Plan. The proposed action would achieve Forest Plan goals and meet specific objectives for early structural habitat, structural and age class diversity, non-native invasive plant reduction and control, and wildlife habitat diversity. All applicable Forest Plan standards and guidelines were applied to project design.

This project addresses a relatively limited portion of the landscape when viewed from local, regional, and national perspectives. It proposes treatments on approximately 4,000 acres⁶, which represents:

- 7.5 percent of lands within the South Branch Tionesta Creek 5th order watershed
- 0.4 percent of lands within McKean and Elk Counties
- 0.8 percent of land within the proclamation boundary of the Allegheny National Forest
- 0.002 percent of land administered by the U.S. Forest Service (nationwide) as part of the National Forest System

This project was designed to help achieve desired conditions identified in the Allegheny National Forest Land and Resource Management Plan (Forest Plan). It is located within management areas 2.1 (uneven-aged management),⁷ 2.2 (late structural linkages),⁸ and 3.0 (even-aged management).⁹ All applicable standards and guidelines have been incorporated into the proposed action as well as project design features (see appendix B), and implementation will help us achieve the following goals and objectives:

⁶ Please note that multiple treatments might occur on any given acre.

⁷ **Management Area 2.1 – Uneven-aged Management** emphasizes uneven-aged management to provide mature structural stages and complex vertical structure. Vegetation management in this management area helps provide the “Big Woods” character. Management direction is provided on pages 106–108 of the Forest Plan.

⁸ **Management Area 2.2 – Late Structural Linkages** emphasizes older, late structural forests that link relatively large areas of older forests (core areas) across the landscape. Vegetation management is directed to restoring late structural forest conditions with an emphasis on sustaining forest structure and forest continuity. Management Area direction is provided on pages 109–112 of the Forest Plan.

⁹ **Management Area 3.0 – Even-aged Management** emphasizes even-aged management to provide a forest that is a mix of predominantly shade intolerant and mid-tolerant hardwood stands of various ages and associated understories and habitat for a diversity of plant and animal species. Management Area direction can be found on pages 113–115 of the Forest Plan.

- Develop and enhance the seedling, shrub, and herbaceous diversity to improve structural conditions (USDA-FS 2007a, pages. 14, 19, A-1, A-2, and A-14). Provide a diversity of vegetation patterns across the landscape that represents well distributed habitats, a range of forest age classes and vegetative stages, a variety of healthy functioning vegetation layers, moderate to well-stocked forest cover, and the variety of vegetation species or forest types necessary to achieve multiple resource objectives and sustain ecosystem health (USDA-FS 2007a, page 14).
- Continue to implement and monitor a range of silvicultural and reforestation practices in order to be responsive to emerging issues and regenerate stands to a diversity of tree seedlings of good quality, form, and health (USDA-FS 2007a, page 14).
- Improve the overall health and sustainability of Allegheny National Forest ecosystems by reducing understory dominance of native invasive species such as beech brush, ferns, grass and striped maple, and non-native invasive species on 3,000 to 6,200 acres annually. Do this through direct treatments: site preparation, herbicide application, scarification, mechanical treatment, or fencing to encourage greater species diversity with a wider variety of herbaceous and woody plants or tree seedlings (USDA-FS 2007a, page 21).
- Provide a long-term, sustainable supply of large wood from riparian corridors to streams for aquatic habitat diversity; with an objective of 75 to 380 pieces per stream mile (USDA-FS 2007a, page 11).
- Provide a safe, efficient and economical transportation system that is responsive to public and administrative needs, while having minimal adverse effects on the natural forest ecosystem (USDA-FS 2007a, page 16).
- Maintain or restore watersheds and their associated stream and groundwater processes, channel stability, riparian resources, and aquatic habitats to a functional condition (USDA-FS 2007a, page 14).
- Limit the further introduction and spread of non-native invasive plants and conserve forest resources in a manner that presents the least hazard to humans and maintains and restores forest resources (USDA-FS 2007a, page 13).
- Provide a sustainable flow of commercial timber products that will contribute to the local and regional economy, contribute to the annual forest-wide allowable sale quantity, and maintain 10 to 12 percent of MA 3.0 in early structural habitat (0 to 20 years old) over time (USDA-FS 2007a, pages 8, 14, and 113).

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this environmental assessment and the references in the project file. I have determined that the interdisciplinary team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. They took a hard look at the environmental effects (both beneficial and adverse) using relevant scientific information and their knowledge of site-specific conditions gained from field visits. Benefits of this project were not used to offset adverse impacts, and adverse impacts of this project are not significant even when separated from benefits (Environmental Assessment, pages 9–24). My finding of no significant impact is based on the intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.

Effects that are beneficial or adverse are discussed on pages 9-19 of the environmental assessment and additional information regarding potential effects resolved through project design may be found in appendix C of the environmental assessment.

The environmental assessment, appendices, and project file also includes detailed analyses of the effects of the alternatives to vegetation and forest health; wildlife and sensitive plants; non-native invasive plants; soils and hydrology; air quality; heritage resources; recreation opportunities, forest settings and unique areas; and human health and safety. These analyses contribute to my understanding of the effects of the alternatives and confirm that there will be no significant effects to those resources.

2. The degree to which the proposed action affects public health or safety.

Implementation of the proposed action will not result in any significant increased risks to public health and safety. The environmental assessment (pages 19–20) considered risks to public health or safety focusing on herbicide use, smoke emissions from prescribed fire, and vehicle traffic associated with vegetation management activities. The proposed action would avoid adverse impacts to public health and safety through implementation of Forest Plan standards and guidelines, Pennsylvania best management practices, project design features, timber sale contract requirements, Office of Safety and Health Administration requirements, and standard operating safety procedures.

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.

Please see intensity factor #8 below regarding historic or cultural resources. Two areas given special designation by the Forest Service, the Tionesta Scenic Area and the Tionesta Research Natural Area, border the project area. Regarding these two special areas and other potentially unique characteristics:

- The proposed action is not located within, and would not affect, any of the following areas: wilderness, wilderness study, wild and scenic rivers, national recreation areas, historic areas, or experimental forests.
- Road construction, reconstruction, and realignment may impact up to 6.9 acres of land that is considered prime farmland or farmland of statewide importance. This would be offset somewhat by decommissioning 1.3 acres (0.3 miles) of road that is on land that is considered prime farmland or farmland of statewide importance. The remainder of the proposed action would not remove topsoil, cover the surface, or otherwise impair land designated as prime farmland or farmland of statewide importance, or convert land managed as forest to non-forest or non-agricultural use.
- There are about 253 acres of wetlands in the project area on National Forest System Service land (about 2 percent of the project area), most occurring in the floodplain of East Branch Tionesta Creek. Forest Plan standards and guidelines and Pennsylvania best management practices will also be implemented to protect these areas. Activities will exclude wetlands direct impacts and will avoid indirect impacts using buffers. Wetlands,

springs and seeps will be protected with a 25-foot no activity buffer and a 25 to 100-foot zone from these resources where 50 percent canopy cover will be maintained. Vernal pools would be protected with a 100-foot no activity buffer and a 100 to 200-foot zone where 50 percent canopy cover would be maintained. For additional information, please see appendix B and Forest Plan (USDA-FS 2007a, pages 77–78).

- The Tionesta Scenic Area (Management Area 8.3) borders the project area and proposed vegetation treatments. This area contains a remnant of the late structural forest that once covered the Allegheny Plateau. It serves as a primary scenic attraction and recreation destination for visitors seeking eastern old growth forests and associated large, beautiful trees. This area contains a mixture of older hardwoods and conifers whose natural cycle of growth and mortality has not been disturbed by logging. Other disturbances, such as beech bark disease and wind events are evident. Two stands, 823029 and 823030, border the Tionesta Scenic Area boundary. Proposed activities in these stands are timber stand improvement and are not expected to affect the values of the Tionesta Scenic Area.¹⁰ Proposed timber stand improvement treatments would involve non-commercial treatment of undesirable woody vegetation in the understory and midstory of forest stands by applying herbicide, using cut and frill, basal spray, or stem injection methods to improve the growing conditions and survival of desired tree seedlings, saplings, and shrubs. The stands proposed for timber stand improvement border the 1985 tornado swath with variable stocking and diseased American beech in many areas. The timber stand improvement is being prescribed to develop other tree species in the stand. These stands are not within the viewing area from the old platform on the “Scenic Circle” (forest road 133E). The platform was removed because it was in poor condition and the trees in the tornado swath have grown taller than the platform.
- The Tionesta Research Area (Management Area 8.5) also borders the project area and proposed vegetation treatments. It is one of the largest remnants of the beech-hemlock forest that covered as much of the region in the late 1700s. As a National Natural Landmark, Tionesta Research Natural Area helps illustrate the geological and ecological history of the Eastern United States and strengthen the public’s appreciation of America’s natural processes. The Tionesta Research Natural Area contains large hemlock and beech trees that are more than 300 years old, as well as young forests regenerated from windthrow events in recent decades. It provides an old growth setting for dispersed recreation, with high aesthetic and spiritual values. The Forest Plan requires an evaluation of any proposed activity within 300 feet of the Tionesta Research Natural Area boundary to ensure that the proposed activity is consistent with the ecological values of the research natural area (USDA-FS 2007a, page 62).¹¹ Three stands, 831037, 831038, and 8310551, border the research natural area boundary and are proposed for a shelterwood sequence (regeneration harvest). Reserve areas will be placed along the boundary for a more natural appearing undulating boundary along the Tionesta Research Natural Area.

¹⁰ The objectives of the Tionesta Scenic Area are included in the Forest Plan, pages 29, 153-156. The primary objective of the area is the protection of the ecological and historical values associated with old growth forests in the area. There are no specific standards and guidelines that apply to activities outside the Tionesta Scenic Area boundary.

¹¹ The Tionesta Research Natural Area is managed to maintain unmodified conditions for research, study observation, monitoring, and educational activities.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

I, along with the interdisciplinary team, did not identify any substantial scientific controversy during the interdisciplinary review, environmental analysis, or public comment. The activities included in the proposed action are routine on the Allegheny National Forest, the effects are well known from decades of experience and monitoring, and the rationale for our choice of vegetation management practices is well documented in appendix A of the Forest Plan.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

No highly uncertain, unique, or unknown risks were identified during the interdisciplinary review, environmental analysis, or public comment. The activities included in the proposed action are routine on the Allegheny National Forest, the effects are well known from decades of experience and monitoring, and the rationale for our choice of vegetation management practices is well documented in appendix A of the Forest Plan.

6. *The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.

- The size of the project area, size of individual treatment areas, scope of activities, duration of implementation, and prescribed methods are typical on the Allegheny National Forest.
- All management activities are consistent with Forest Plan direction for affected management areas and resources and are intended to directly address and achieve Forest Plan objectives.
- All connected actions have been included within the scope of the proposed action.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

No cumulatively significant impact on the environment is anticipated based on environmental analysis. The proposed action is related to other actions with individually insignificant effects in the context of past, present and reasonably foreseeable actions on both National Forest System and private lands within the project area. Past and present actions are reflected in the description of the existing condition. Reasonably foreseeable actions are described as those approved in previous NEPA decisions (Environmental Assessment, pages 6–7 and Table 2) that have not been implemented, as well as projected future oil and gas development of the private mineral estates. The interdisciplinary team considered the potential for the proposed action to contribute to potentially significant cumulative effects based on an analysis area and time frame unique to each affected resource. The environmental analysis found that the proposed action was not likely to contribute to any significant effect to any resource based on this relationship.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

Implementation is not expected to result in any adverse effects. Eligible and unevaluated heritage resources for listing on the National Register of Historic Places will be protected by following the compliance process mandated by section 106 of the National Historic Preservation Act and recommendations outlined in the cultural resource report. All eligible and unevaluated sites will be protected by avoidance or other site-specific mitigations identified by the forest heritage program manager or district archaeologist.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

There is no designated critical habitat for any federally threatened or endangered species on the Allegheny National Forest; therefore, implementation would not affect any designated critical habitat. Project-specific biological specialist reports (aquatic, botany, and wildlife) were prepared, are available in the project file, and are incorporated by reference. These reports concluded that implementation may affect, and is likely to adversely affect, the northern long-eared bat, which will be protected through Forest Plan standards and guidelines (USDA-FS 2007a, pages 81–82) and project design features (see appendix B). A no effect determination was reached for all other species (small whorled pogonia, northeastern bulrush, northern riffleshell, clubshell, rayed-bean, sheepnose, snuffbox, and rabbitsfoot) for both alternatives.

Although implementation may affect, and is likely to adversely affect, the northern-long eared bat under the proposed action, this project would not jeopardize the continued existence of the species. The primary factor cited in the proposed listing rule responsible for the decline of northern long-eared bat populations is white-nose syndrome. The U.S. Fish and Wildlife Service (2013) determined that although several activities, such as construction of physical barriers at cave accesses, mining, development, and timber harvest may modify or destroy northern long-eared bat habitat, these activities alone do not have significant, population-level effects on the species.

The impact of this project on individuals and habitat is not expected to adversely affect the conservation and recovery efforts for the species for several reasons, including but not limited to the following:

- Forest management and silviculture are vital to the long-term survival and recovery of the northern long-eared bat and the U.S. Fish and Wildlife Service have determined that when the prohibitions for the species included in the final 4(d) rule are applied to forest management activities, the potential impacts would be significantly reduced (USDI-FWS 2016).
- Conducting timber harvest activities or tree removal outside the hibernation period could conceivably result in direct mortality or injury to northern long-eared bat by incidental felling of roost trees, particularly if non-volant bats are present. In areas of extensive intact forest, the likelihood that a given harvest would result in the loss of a maternity colony is small. Suitable habitat, as well as potential maternity roosts and day roosts, are abundant and widely distributed across the project area. Additionally, there are well over 18.9 million potential roost trees on the Allegheny National Forest (Miles 2015). The

likelihood of direct mortality from prescribed fire is extremely low as the proposed burning would occur in early spring or fall. Timber harvest is an important tool that could improve forest structure by creating canopy gaps and snags, by reducing stand density and mid-story clutter, and by increasing forest diversity to maintain suitable roosting and foraging habitat.

- This project would provide protection for the northern long-eared bat during its most sensitive life stages. There are no known occupied maternity roosts in the project area, and there are no activities proposed within ¼ mile of known hibernacula. Should maternity roosts be found in the vicinity of proposed activities in the future, conservation measures will be applied to avoid cutting or destroying them unless they are in immediate safety hazard.

Forest Plan standards and guidelines implemented for Indiana bat (USDA-FS 2007a, pages 81–82, USDI-FWS 2007) will minimize potential harm or harassment to this species and retain key habitat components at the stand and landscape level. If no action is taken, then no effects to the northern long-eared bat are anticipated.

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The proposed action complies with all applicable laws, regulations, and policies. These include the Clean Water Act, Wetlands and Floodplains Executive Orders, the Endangered Species Act, The National Historic Preservation Act, the National Environmental Policy Act, and the National Forest Management Act. The proposed action complies with all Forest Plan desired conditions, objectives, standards, and guidelines. Please see pages 23–26 of the environmental assessment.

Response to comments received during the designated 30-day comment period

One response was received during the designated 30-day comment period for the environmental assessment. Comments were submitted by the ANF Chapter of the North Country Trail Association.

Comment: The ANF Chapter of the North Country Trail Association has only one remaining question and that is about the stream improvements. Level 2 improvements will impact the 0.6 miles of NCNST that follow the banks of the East Branch Tionesta Creek. There they are planning to harvest and then drag trees and root balls into streams to improve habitat, stream flow and erosion. What mitigations will be put in place to protect the NCNST there? Our concerns are:

- That trees and root balls that are dragged across the trail will damage the tread.
- That trees and root balls will be harvested too close to the trail, damaging the viewscape and increasing trail maintenance needs.

Important mitigations that should be put into place to protect this National Scenic Trail are:

- Place a minimum no-cut buffer on either side of the NCTST center line. The corridor does not need to be very wide, since only a few trees are being cut. Twenty-five feet might be appropriate. This corridor will help minimize the impact of removing trees. That will mitigate maintenance issues and reduce damage to the viewscape.
- No marking paint should be seen from the NCNST. Blue marking paint is especially confusing to hikers following blue NCNST blazes. Its use should be minimized.
- Minimize trail crossing. Repair the trail to prior condition upon completion of crossing.
- No activity on weekends/holidays when more hikers will be using the NCNST.
- Put up signage informing hikers of harvesting/skidding activities.

Response: *Most of the large wood stream restoration activities will not be observable from the North Country National Scenic Trail. To address your concerns, the Forest Service will implement the following project design features to ensure the integrity of the trail through this area.*

For the Level 2 large wood activities near the North Country National Scenic Trail, about 0.2 miles would be completed using an excavator. The remaining 0.7 miles of Level 2 large wood activities would be completed using a manual grip hoist to pull over trees and chainsaws to fell trees. There is one section of proposed Level 2 large wood activities located near the Forest Road 149 bridge over the East Branch Tionesta Creek that would require crossing the North Country National Scenic Trail. At this crossing, an excavator would be used to transport seven trees with root wads attached across the trail. In order to protect the trail treadway, a stable portion of the trail will be selected to be crossed by the excavator. If the trail tread is damaged, it will be restored to prior or better condition. The expected disturbance to the trail would be less than 15 feet and would be restored to passable condition as soon as trail crossing activities are completed. Full restoration of the trail will occur within one year.

The following project design features will be followed to protect the North Country National Scenic Trail:

- *No tree cutting or felling for the large wood activities will occur within 25 feet of the North Country National Scenic Trail.*
- *No marking paint will be used for the large wood activities near the North County National Scenic Trail.*
- *Large wood activities will cross the North Country National Scenic Trail at only one location using an excavator to complete large wood restoration. The trail crossing will be restored to prior or better condition upon completion of large wood activities.*
- *Large wood activities will not occur within 300 feet of the North Country National Scenic Trail on weekends/holidays.*
- *While the large wood activities are being implemented on-the-ground, signage will be used along the North Country National Scenic Trail to inform hikers of large wood activities.*

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